

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS DANIEL BURSHIA,

Defendant.

CR-17-29-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 18, 2022. (Doc. 46.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 16, 2022. (Doc. 41.) The United States accused Nicholas Burshia (Burshia) of violating his

conditions of supervised release 1) by using marijuana; 2) by consuming alcohol; 3) by knowingly being in the company of a child under the age of 18; and 4) by failing to complete his sex offender treatment. (Doc. 38.)

At the revocation hearing, Burshia admitted to violating the conditions of his supervised release 1) by using marijuana; 2) by consuming alcohol; and 3) by failing to complete his sex offender treatment. (Doc. 41.) Judge Johnston found that the government failed to satisfy the burden of proof with respect alleged violation 3. (*Id.*) Judge Johnston found that the violations Burshia admitted proved to be serious and warranted revocation, and recommended revocation of Burshia's supervised release and recommended that Burshia receive a custodial sentence of 4 months, with 56 months of supervised release to follow, with the first 180 at Alpha House in Billings, Montana. Judge Johnston also recommended that Burshia be required to work 30 hours per week or be a full-time student, while on supervised release. (Doc. 46.) Burshia was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 41.) The violations prove serious and warrant revocation of Burshia's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 46) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Nicholas Daniel Burshia be sentenced to the Bureau of

Prisons for 4 months, with 56 months of supervised release to follow, with the first 180 days at Alpha House in Billings, Montana. Burshia will be required to work 30 hours per week or be a full-time student while on supervised release. Burshia will serve his term of custody at FCI Sandstone, Sandstone, MN.

DATED this 5th day of December, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court